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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

0 JULIO FLORES, et al.

Case No. 3:12:CV-686-MEJ

1 Plaintiffs,

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE INITIAL
PRE-TRIAL CONFERENCE AND
RELATED CASE MANAGEMENT
DATES**

3 NATIONAL RAILROAD
4 PASSENGER CORP. dba
AMTRAK et al.

Trial Date: August 26, 2013
Time: 9:30 a.m.
Dept.: Courtroom B, 15th Flr.
Judge: Hon. Maria Elena James

Pursuant to the Court's July 26, 2012 Case Management Order, and subsequent December 11, 2012 order, the initial Pre-Trial Conference is currently calendared for July 25, 2013. Additionally, the following dates have been set by the Court and are currently calendared: Trial Papers, as set forth in Section H(A)-(K) of the July 26, 2012 Case Management Order, are to be filed by July 11, 2013; Motions in Limine are to be filed by July 11, 2013, with oppositions due by July 18, 2013; and Trial Briefs, Voir Dire, proposed Jury Instructions, and proposed Verdict Forms to be filed by July 26, 2013.

Further, the hearing on Defendants Amtrak and Union Pacific's Motion for Summary Judgment was calendared for July 11, 2013, but was taken off calendar by the Court, sua sponte, as a result of scheduled mediation between the parties.

1 Upon request by Plaintiffs and agreement by Defendants to the same,
 2 Plaintiffs and Defendants, National Railroad Passenger Corp. ("Amtrak"), Union
 3 Pacific, and Monterey County, (collectively "Defendants") by and through their
 4 respective counsel, hereby stipulate and respectfully request to modify the Case
 5 Management Order. Good cause exists to continue the dates set forth above in
 6 order to allow the parties to mediate this matter. Mediation is scheduled to occur
 7 before mediator Charles Hawkins on July 25, 2013.

8 NOW, THEREFORE, subject to the Court's approval, the parties, through
 9 their counsel of record, stipulate, agree, and respectfully request that the following
 10 modifications to the Case Management Order shall be made:

- 11 1. That the Initial Pre-Trial Conference be continued from July 25, 2013
 12 to August 8, 2013;
- 13 2. That the date for filing Trial Papers, as set forth in Section H(A)-(K) of
 14 the July 26, 2012 Case Management Order, be continued from July 11, 2013 to July
 15 18, 2013;
- 16 3. That the date for filing Motions in Limine be continued from July 11,
 17 2013 to July 26, 2013, and that the date for filing Oppositions to the same be
 18 continued from July 18, 2013 to August 2, 2013;
- 19 4. That the date for filing Trial Briefs, requested Voir Dire, proposed Jury
 20 Instructions, and proposed Verdict Forms, be continued from July 26, 2013 to
 21 August 2, 2013;
- 22 5. That the hearing on Defendants Amtrak and Union Pacific's Motion
 23 for Summary Judgment be calendared for August 1, 2013.
- 24 6. That trial shall remain scheduled to commence on August 26, 2013.

1 Respectfully submitted,

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4 Dated: July 1, 2013

GREEN BRYANT & FRENCH, LLP

/s/ Joel R. Bryant
Joel R. Bryant, Esq.
Jbryant@gbflawyers.com
Attorney for Plaintiffs

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7 Dated: July 1, 2013

CHARLES J. McKEE, COUNTY COUNSEL

/s/ Susan K. Blitch
Susan K. Blitch (SBN 187761)
Senior Deputy County Counsel
Attorney for Defendant, County of Monterey

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10 Dated: July 1, 2013

LOMBARDI LOPER & CONANT

/s/ Vincent Castillo
Vincent Castillo
vcastillo@llcllp.com
Attorney for Defendants, Union Pacific Railroad
National Railroad Passenger Corporation

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ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING
THEREFORE, IT IS ORDERED THAT:

- ~~1. That the Initial Pre-Trial Conference be continued from July 25, 2013 to August 8, 2013;~~
 - ~~2. That the date for filing Trial Papers, as set forth in Section H(A)-(K) of the July 26, 2012 Case Management Order, be continued from July 11, 2013 to July 18, 2013;~~
 - ~~3. That the date for filing Motions in Limine be continued from July 11, 2013 to July 26, 2013, and that the date for filing Oppositions to the same be continued from July 18, 2013 to August 2, 2013;~~
 - ~~4. That the date for filing Trial Briefs, requested Voir Dire, proposed Jury Instructions, and proposed Verdict Forms, be continued from July 26, 2013 to August 2, 2013;~~
 - ~~5. That the hearing on Defendants Amtrak and Union Pacific's Motion for Summary Judgment be calendared for August 1, 2013.~~
 - ~~6. That trial shall remain scheduled to commence on August 26, 2013.~~

Dated: July 8, 2013

Hon. Maria Elena James

All dates are VACATED. A joint status report shall be filed 2 weeks after the completion of mediation. If the case settles in mediation the parties shall advise the Court immediately.
IT IS SO ORDERED.

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2 **CERTIFICATE OF SERVICE**
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5 I hereby certify that a copy of the foregoing was electronically sent via the
6 Court's electronic case filing system on July 1, 2013 to counsel for Defendants.
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9 **GREEN BRYANT & FRENCH, LLP**
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12 Dated: July 1, 2013
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15 _____
16 /s/ *Joel R. Bryant*
17 Joel R. Bryant, Esq.
18 Jbryant@gbflawyers.com
19 Attorney for Plaintiffs
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